



MEETING MINUTES

BOARD OF SUPERVISORS, COUNTY OF MONO

STATE OF CALIFORNIA

Regular Meetings: The First, Second,
and Third Tuesday of each month

REGULAR MEETING
August 21, 2007

County Courthouse
Bridgeport, California 93517

9:00 a.m. Meeting Called to Order by Chairman Hazard

Pledge of Allegiance led by Supervisor Hunt

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

(1) Fred Fulstone (F.I.M. Corporation, Smith Nevada), and Floyd Rathbun (Certified Range Management Consultant) addressed the Board about ranch property in Bridgeport and the critical habitat for the Sierra Nevada Bighorn Sheet proposed by the U.S. Department of the Interior, Fish and Wildlife Department. They opposed applying this designation to Units 1 and 2 (Lundy Canyon and Highway 120, and the Gibbs area), because it would interfere with grazing activities and negatively impact their ranching operation. They asked the Board to place this issue on a future agenda in order to hear proposed solutions related to the Fulstone ranch; they asked for the Board's help in encouraging the federal agencies to exclude the area from Bridgeport Valley to Mammoth Lakes. Comments on the critical habitat designation are open until September 24th; a request for a public hearing must be made before September 10th. It would help to have local hearings.

The Board decided to schedule this issue for a presentation. Supervisor Reid suggested scheduling a workshop at the next regular Board meeting, and inviting the forest service or other appropriate agencies, such as fish and game. The Board asked staff (Scott Burns or County Counsel) to submit a request to the appropriate agency for a public hearing. Reid said notices regarding the hearing should be sent to residents and businesses in the area. David Wilbrecht, CAO, said he will take the lead.

(2) Roland Pesante, owner of a family lot in Sunny Slopes, recently found out that he can't build a garage on his property because the property has never been listed on the tax rolls. He asked for a round-table discussion to resolve the problem.

Chairman Hazard pointed out that Pesante has been trying to get permits for a garage for about 18 months. He's been through Planning and Public Works, and yesterday met with LandTAC. Public Works has provided a step-by-step process to move the project forward. Evan Nikirk said they can have a meeting separate from LandTAC to discuss the issue; he will set up a meeting and try to resolve the issue prior to the September 4th Board meeting. Chairman Hazard directed this issue back to County Counsel and Public Works for additional review; after holding a meeting, report to the Board under department reports.

BOARD MEMBER REPORTS

Supervisor Reid reported on the following issues and activities:

1. Attended the Town-County Liaison meeting.
2. Missed the Bridgeport RPAC meeting.

Supervisor Hunt reported on the following issues and activities:

1. Last Wednesday, toured the White Mountains with the AAPL group and Buck McKeon. Talked about the national recreation area designation; staffers are interested in the concept.
2. Last Thursday, attended the Town-County Liaison meeting. Discussed housing; Mammoth Lakes Town Council supports fishing issues; the forest service is closing the hospital land exchange on September 30th; over \$630,000 has been spent for a noise analysis on regional air service, which determined that they expect no impact.
3. The Sierra Nevada Conservancy appointed a new manager for Mt. Whitney, who will oversee the Bishop office. Will be meeting tonight with Kim Carr (environmental planner) and the Conservancy's executive director to discuss the appointment of the area manager.
4. Keith Hartstrom is retiring; the Board needs to recognize him.

Supervisor Bauer reported on the following issues and activities:

1. Last Tuesday, attended part of the June Lake Economic Development meeting.
2. Attended the Eastern Sierra Partners working group meeting; worked on regional identity goals.
3. Have pictures of the Madera site and tent.
4. Yesterday attended LandTAC; requested that climate change be addressed in the CEQA document for the Rodeo Grounds.
5. Regarding YARTS, FTA is in town all week for various meetings.
6. Will be at the ESTA meeting on Wednesday.

Supervisor Farnetti reported on the following issues and activities:

1. Attended a meeting with Evan Nikirk, staff and DWP; discussed landfill operations, specifically the Pumice Valley and the outstanding lease. Concerns with Benton crossing were discussed. They suggested looking for other locations, possibly DWP lands, but not near the watershed. Need to start looking at this issue prior to closings.

Chairman Hazard reported on the following issues and activities:

1. Attended the tour with McKeon and his staff, regarding the recreation designation. McKeon's perception is that the Board did not provide information needed to push the Hoover through.
2. Met with Mark Mikulicich and Dave Wilbrecht about housing for the paramedics.
3. Held office hours in Crowley Lake.

Break from 9:58 a.m. through 10:05 a.m.; reconvened at 10:05 a.m.

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (**David Wilbrecht**)
ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

David Wilbrecht, CAO, reported on the following issues and activities:

1. Conducting quarterly performance reviews.
2. Implementing new agenda software.
3. Continuing design work for the 3rd floor of the Sierra Center Mall.
4. Met with Chairman Hazard and Mark Mikulicich regarding housing the paramedic unit in the fire station.
5. Attended the Town-County Liaison meeting.
6. Addressed issues about building security and safety in Bridgeport; looking at redesigning office space.
7. Worked on issues concerning the Assessor.
8. Continuing to work on IMAAA issues.

2) **APPROVAL OF MINUTES**

M07-205

Regular meeting of August 7, 2007, as amended.
(Hunt/Bauer, 4-0; Reid abstain)

Supervisor Reid's Board Report, Item 2: Gary was a previous **assistant** sheriff. Page 18, 5th paragraph, Mr. Lovett is camping in his **motor home**.

Chairman Hazard's Board Report, Item 11: Met with **Dana** from Senator Cox's office.

DEPARTMENT REPORTS/EMERGING ISSUES

Lynda Roberts, Clerk of the Board, reported on the following:

1. Will start putting draft minutes in agenda packets since they go out to the public prior to approval; will also post draft minutes on the web and email them in advance to the Board.

Brian Muir, Finance Director, reported on the following:

1. Provided the Board with the budget workbook; the press also has a copy. Muir will be available to answer questions prior to the meetings.
2. Working on escrow for the land exchange; it is going forward.

Scott Burns, Community Development, reported on the following:

1. Regarding the housing mitigation ordinance, exploring options to the rates and will recommend alternatives.

CONSENT AGENDA

HEALTH AND HUMAN SERVICES

- 3) Rural Health Services Funding for FY 2007-2008
ACTION: Approve Declaration of Intent Not To Apply for Rural Health Services Program Funding for FY 2007-08, and authorize Chair's signature on same.
(Reid/Farnetti, 5-0)
- M07-206**

FINANCE DEPARTMENT

- 4) Resolution Authorizing FTJ FundChoice, LLC, Nationwide Retirement Solutions, Inc., and Hartford Life Insurance Company as investment options under 401(a) Defined Contribution Plan
R07-56
ACTION: Adopt **Resolution R07-56** authorizing FTJ FundChoice, LLC, Nationwide Retirement Solutions, Inc., and Hartford Life Insurance Company as investment options under the Mono County 401(a) Defined Contribution Plan and authorizing the County Finance Director to approve certain associated documents.
(Reid/Farnetti, 5-0)

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)				
All items listed are available for review and are located in the Office of the Clerk of the Board				
#	Received	Dated	From	Subject
5a)	8-10-07	8-10-07	R. J. (Dick) Padgett Antelope Valley Fire District	Appointment of Mr. Robert Dunn to the Commission
5b)	8-14-07		Wildlife Conservation Board	Notice of Meeting
Regarding #5a, Marshall Rudolph said this is informational only; the district can fill their vacancies. Regarding #5b, Supervisor Bauer asked about the tax implications. Brian Muir said he will put this on a future agenda. Chairman Hazard acknowledged receipt of the correspondence.				

PUBLIC WORKS

- 6) Bid Opening for Lundy Lake Road Rehabilitation Project (**Kelly Garcia**)
ACTION: Refer proposals to Public Works Director for review and recommendation.
M07-207
(Reid/Hunt, 5-0)
- Kelly Garcia said the bid includes two alternate items, but there is no obligation to award the alternates. The following bids were received:
Carlson, \$2,268,342
Sierra Nevada, \$2,445,084
Granite, \$2,792,152

PUBLIC HEARING: SHERIFF-CORONER

- 7) State of California Off-Highway Vehicle 2007/2008 Operation Grant
R07-57 **ACTION:** (1) Adopt **Resolution R07-57**, "A Resolution of the Mono County Board
M07-208 of Supervisors Approving the Application for State Off-Highway Vehicle Grant". (2)
Name Richard C. Scholl, Sheriff/Coroner, as the authorized representative of the
Mono County Sheriff's Department and the County of Mono.
(Hunt/Bauer, 5-0)

Greg Busey said this grant will provide for law enforcement and education, specifically concerning snowmobiles. Lt. Webber said the match can be a "soft match" (i.e., personnel hours, sled maintenance, cost of doing business, etc.). They have been training staff to make sure the department is prepared.

Chairman Hazard opened the public hearing; no one spoke.

COUNTY ADMINISTRATIVE OFFICE—HUMAN RESOURCES

- 8) Resolution Approving Employment Contract with Dr. Richard Johnson as Mono
County's Public Health Officer (**David Wilbrecht and Robert Garret**)
R07-58 **ACTION:** Adopt **Resolution R07-58**, "A Resolution of the Mono County Board of
Supervisors Approving an Employment Agreement with Richard Johnson, M.D., and
Prescribing the Compensation, Appointment, and Conditions of Said Employment."
(Bauer/Hunt, 5-0)

Robert Garret said this is a contract renewal; he recommended approval of this three-year contract. In the past, it has been hard to get good physicians for the public health office in rural counties. Lynda Salcido concurred; Dr. Johnson is very valuable in this position.

DEPARTMENT OF FINANCE

- 9a) Post-Retirement Healthcare Plan (**Brian Muir**)
ACTION: Adopt **Resolution R07-___** authorizing participation in the Public Agency
Retirement Services (PARS) Post-Retirement Health Care Plan Trust to be
administered by PARS and the Union Bank of California; appointing the Director of
Finance as the County's Plan Administrator; and authorizing him to execute the
required documents and administer the program.

THIS ITEM WAS PULLED.

9b)

Transient Occupancy Tax (TOT) Appeals (**Brian Muir**)

M07-209

ACTION: (1) Leave the appeals process as is, but leave the terms and conditions of installment plans up to the Tax Collector. (2) In accordance with Government Code section 23007, no interest-free installment plans would be granted, and installment plans would bear the maximum legal interest.

(Hunt/Farnetti, 4-1; Reid opposed)

Brian Muir said the last time there was a tax appeal, the Board asked for a review of the process. Regarding paying property tax in installment plans, if someone can prove they did not pay the tax for a good reason (similar to IRS rules), or when the County is responsible, then the County can waive penalties and provide an interest-free installment plan. Also, there is an appeal process so issues can be resolved. There is no guidance in the laws about what Board policy should be; the County's current policy complies with the law.

Muir outlined three options:

1. Make the Tax Collector responsible for all appeals.
2. Leave the appeals process as is, but leave the terms and conditions of installment plans up to the Tax Collector.
3. Make no changes.

Supervisor Reid said he likes option #1 because it takes the matter out of the Board's hands and out of the political arena. The other Board members said they prefer option #2 because it allows the public to appear before the Board. Marshall Rudolph said the Board is only giving direction today; specific changes will require an amendment to the ordinance.

BOARD OF SUPERVISORS

10)

CSAC Draft Policy Statement on Climate Change (**Supervisor Bauer**)

ACTION: Discuss the CSAC draft policy statement on climate change, and Supervisor Bauer's proposed changes and additions.

Supervisor Bauer distributed a copy of the draft statement, including her changes (on file in the clerk's office). She reviewed her additions, which address issues specific to Mono County. Bauer suggested the County consider forming its own air pollution control district since this issue is different in Mono County than in other places; second homeowners have a bigger impact in the County. Supervisor Hunt said the Board should schedule a workshop to discuss an air pollution control district.

Supervisor Bauer asked to have this item agendaized for the first meeting in September so the Board can approve the changes.

Break from 11:08 a.m. through 11:15 a.m.; reconvened at 11:15 a.m.

COUNTY COUNSEL/COUNTY ADMINISTRATION/COUNTY FINANCE

11) Workshop Regarding Use of Public Funds (**Marshall Rudolph, David Wilbrecht, and Brian Muir**)

ACTION: (1) Receive presentation by County Counsel regarding laws governing use of public funds and application of said laws to current or proposed County practices and policies for food and refreshments, employee recognition and appreciation, club memberships, and similar expenses. (2) Provide any desired direction to staff.

Marshall Rudolph gave a PowerPoint presentation (on file in the clerk's office); he highlighted the following:

- This issue impacts legal and policy issues. The Board has a lot of options and can make policy for Mono County.
- There are four basic categories: food and refreshments, employee appreciation and recognition, club membership, and other miscellaneous. Consider the following:
 1. Food and refreshments provided at county meetings, working lunches, lunches to non-inmates (the Sheriff wants this issue resolved); coffee, water, other beverages in the work place; payment of per diem and other meal allowances.
 2. Employee appreciation and recognition, such as holiday cards, inexpensive tokens of appreciation, holiday parties, picnics, retirement functions, volunteer functions, recognition of service, awards for service, sympathy cards and flowers.
 3. Club memberships include subsidizing an employee's membership in a particular type of service club and/or wellness programs that provide access to an athletic club.
 4. Other miscellaneous includes employee educational loans, employee housing assistance, and/or cell phone allowances for County business purposes.
- The County needs written policies to document the Board's decisions. Legal muster is determined by whether or not the expenditures serve legitimate public purposes as determined by the Board. The Finance Department needs clear guidance.
- Laws pertaining to these types of issues. There are two main laws from the California Constitution: (1) gifts of public funds and other things of value (art. 16, sec. 6); (2) prohibition on extra compensation rendered after service is provided (art. 11, sec. 10). "Public purpose" is viewed as a legislative decision; courts will give deference to the legislative body. Not a good idea to have individual department heads making these decisions.
- Attorney General opinions: recognize "promotion of efficiency, initiative, and morale in county service" and "incentives for retention [and recruitment] of employees" as public purpose—but not without bounds.
- The Board has separate authority to determine the compensation of public employees and officers. Thus, the Board is on safer ground when a benefit is going to an employee versus a private citizen. What is not a public purpose? A "moral obligation" or good public relations. The dollar amount doesn't legally matter, although it may make a difference from a policy and a public perception point of view. Changes to some obligations will require the County to meet-and-confer with the bargaining units.

Discussion

Supervisor Hunt expressed concern about potentially creeping costs when purchasing small gifts for all employees. Supervisor Reid said at this point each situation needs to be reviewed for consistency before deciding what to spend. Supervisor Farnetti said Rudolph's presentation should be given to all department heads in order to get feedback from them; a committee should then work through the issues and present a recommendation to the Board. Supervisor Bauer said Sacramento's policy would be a good starting point. Chairman Hazard said certain expenditures may be appropriate; he agreed with the suggestion about forming a subcommittee to discuss the issue.

Tony Dublino, The Sheet, asked how current obligations, such as per diem, would be affected. Marshall Rudolph said modifying an existing term and condition of employment would require a meeting and conferring with the bargaining units.

The County Administrator indicated he would form a committee to evaluate the issues and come back to the Board with recommendations at a future date. Supervisors Reid and Hunt volunteered to work on the subcommittee.

PUBLIC WORKS

12)

Award of Bid for Lundy Lake Road Rehabilitation Project (Kelly Garcia)

ACTION: (1) Acknowledge receipt of proposals earlier in the day and based upon review and recommendation by the Public Works Director, award the contract to the lowest responsible bidder. (2) Approve and authorize the Public Works Director (in consultation with County Counsel) to finalize and administer a contract with the lowest responsible bidder for the rehabilitation of Lundy Lake Road, in an amount not to exceed the lowest responsible bid as indicated on the bid proposal. This authorization shall include making minor amendments to said contract from time to time as the Public Works Director may deem necessary, provided such amendments do not substantially alter the scope of work or budget and are approved as to form by County Counsel.

Kelly Garcia said the lowest bid was 33% over the base bid. The low bidder is interested in removing some of the quantities to come up with a contract, such as reducing asphalt quantities on certain portions of the road and reducing the width of the road. These two changes will bring the project into the \$1.5 million range. Garcia will return on September 4th with an award.

Marshall Rudolph said he will need to determine if all bidders get a chance to re-bid.

~ LUNCH RECESS ~

Break from 12:05 p.m. through 1:05 p.m.; reconvened at 1:05 p.m.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

BOARD OF SUPERVISORS

- 13a)** Presentation by Karen Johnston, Assistant Town Manager, Regarding the South Gateway Recreation Center Project in Mammoth Lakes (**David Wilbrecht and Mark Magit**)

ACTION: Receive presentation by Karen Johnston regarding the South Gateway Recreation Center project and direct staff on next steps, if any.

THIS ITEM WAS PULLED.

- 13b)** Presentation by Chief Harper, Mammoth Lakes Fire District, Regarding a Proposed Fire Protection and Fuel Reduction Project in and around Mammoth Lakes (**David Wilbrecht and Mark Magit**)

ACTION: Receive presentation by Chief Harper regarding a proposed fuel reduction project in and around Mammoth Lakes, and direct staff on next steps, if any.

Chief Harper gave a PowerPoint presentation (on file in the clerk's office); he highlighted the following:

- A group went to Lake Tahoe to learn from the Angora fire. Longer seasons and rising temperatures will result in a longer fire season.
- The Angora fire spread very rapidly and it was hard to stop because the fire was in the crowns of trees; relative humidity and wind exacerbated the problem; 250 homes were destroyed; tourists don't like to visit burnt communities; the watershed was destroyed; erosion is a problem; and the fire cost over \$12 million—local government has to accept their portion of the cost. The EOC center was stretched to the maximum (the public was angry), and it was hard to coordinate with the Federal Incident Command Post. Harper emphasized the need for defensible space.
- This type of fire can happen in Mammoth; the fuels and situation are not much different. Mono County does not have a lot of resources available; it takes 6-8 hours to get help. A large fire will result in loss of property tax and tourism dollars; spending \$3 million over 10 years will save in the long run.

Discussion

Supervisor Hunt said the problem increases every year in Mammoth; he supported the efforts of the Fire District. Supervisor Farnetti said there is no question about the extreme fire hazard in Mammoth Lakes and the County; the economic impact from a fire would be severe. Supervisor Reid said the County needs to protect its investment and Mammoth Lakes is an investment. Supervisor Bauer supported Chief Harper's proposal but said the Board needs to be fiscally responsible first. Chairman Hazard supported the project for Mammoth, but has concerns about the rest of the County.

The Board decided to discuss this issue during the budget meetings.

Break from 1:55 p.m. through 2:10 p.m. reconvened at 2:10 p.m.

- 13c)** Verbal Update and Status Report by the Assessor on his Office and Activities, and Proposed Resolution Regarding Travel on County Business (**James Lovett**)
- R07-59** **ACTION:** Adopt **Resolution R07-59**, "A Resolution of the Mono County Board of Supervisors Pertaining to Travel on County Business by James Lovett, Mono County Assessor."
(Reid/Farnetti, 5-0)

Chairman Hazard said these weekly reports will be conducted as follows:

- The Board will continue with the weekly reports until the Board is comfortable that the Assessor is meeting their expectations.
- Reports will focus on the function of the office and not personal issues, unless such issues directly impact the office.
- The role of the Board is to seek information about the Assessor's Office and how it is functioning, and to determine if the Board needs to provide additional guidance and support.
- Each week a single member of the Board will ask questions; other Supervisors may have follow-up questions.
- Supervisors will work through the CAO to collectively prepare their thoughts.
- The Board acknowledges that Mr. Lovett is an elected official, and they will respect his rights, authority, and discretion as an elected official.

Mr. Lovett agreed with this approach.

Chairman Hazard then asked about the following issues:

1. Jobs of elected and appointed officials are full time jobs; what has changed or is different in the Assessor's Office to lead Mr. Lovett to think his job is not full time?
A: It is full time, but it is not necessary to be in the office full time since work can be done at home. He prefers to get away from Bridgeport, and work in a quiet space.
2. At one time Lovett thought the office was top-heavy in management; does Lovett see this as an opportunity to get caught up on the tax roll and files?
A: The staff is checking and updating files, and the backlog is getting smaller. Staff provides a monthly report about outstanding matters. Chairman Hazard asked Lovett to bring in the numbers for a reference point.

3. If the office is overstaffed in supervision, why is Lovett recruiting for an office manager instead of using the position for other purposes?
A: The position is budgeted and every assessor's office has an office manager to supervise certain functions; the office is over-staffed in management positions. When Lovett was hired as the assessor, he was told the County would do away with the position of assistant assessor; but they kept it. Chairman Hazard asked Lovett to check into the possibility of having the office manager position assume some of the responsibilities.
4. The office appears to be short on staff at this time (with the Assistant gone for a week and the current vacancy); plus the Assessor is only working a few hours per week. Who takes the leadership position when the Assessor and Assistant are absent?
A: The Chief Appraiser is in charge of the appraisal function; he can't supervise the clerical function.
5. How will Lovett ensure follow-up on projects?
A: The office generates monthly reports that break down the work by parcel number and by appraiser to determine level of production.
6. How many appraisals should be completed weekly by individual appraisers?
A: Difficult to quantify because it depends on the type of property. About 30 single family properties can be done in a week, and 1-2 commercial/business properties; some complicated properties may take 4-6 weeks.
7. Who monitors appraisals and checks work for errors?
A: Tibor Pelle; and Lovett checks Tibor's work.
8. What steps are taken to ensure quality control over the tax roll preparation?
A: Had a discussion with IT and the finance director; checking takes about a week, but they are looking for a way to streamline the process.
9. How many appraisals of Pelle's did Lovett check last week?
A: None because Pelle was working on a complex project; the last time he reviewed a project was about a month ago.
10. How many taxpayers did Lovett meet with last week?
A: Lovett called a couple of people.
11. Without revealing confidential information, can Lovett provide the names of people he spoke with?
A: Lovett named two: Pumice Mountain and Baumwohl.
12. How can staff contact Lovett when he's not in the office; how often do they call?
A: The staff can call on Lovett's cell phone; they contact him about once a month.
13. What problems does the office encounter in completing work?
A: None that Lovett is aware of; and he is not aware of any personnel issues.
14. How can the Board help make the Assessor's Office more successful?
A: Lovett thinks the office is doing well; he doesn't need anything.

15. How can the Board help the Assessor become more successful?

A: Lovett said to "get off his back" and he will enjoy working again, and will put in more time. He doesn't like the stories in the paper about his personal business.

Discussion

Supervisor Farnetti asked Lovett why he has changed his work hours. Lovett said he is working as mandated by the Revenue and Taxation Code: to complete the assessment roll in a timely and accurate manner. Chairman Hazard asked Lovett why he doesn't help with the backlog. Lovett said he did an assessment last Thursday, and completed the CLCA project.

Regarding the fine on the Cino assessment, Supervisor Bauer said the Assessor dropped the fine because the information had been in the Assessor's Office for several months. Lovett said he did not have the 2006 information; he previously reported that Baumwohl was forthcoming with the requested information.

Supervisor Reid asked about office leadership when the Assistant is gone; also, the Chief Appraiser will be gone for 5-6 weeks. Lovett said he and Musil will provide coverage. Lovett will probably come in on Mondays. Reid asked about the current status of Mammoth Mountain. Lovett said he mailed information to the consultant and he hasn't heard back; Bob Musil called the consultant about two weeks ago, but didn't get a specific date regarding resolution of this matter. Reid asked Lovett to check on this. Reid asked about Gansburg; Lovett said a letter was sent on Monday morning. Reid said he received the Assessor's written apology, but it was not signed. Lovett said he sealed the letter and then realized he hadn't signed it. Chairman Hazard said this kind of inattention to detail is the reason the Board has concerns about the quality of assessments.

Chairman Hazard asked Lovett if there was anything he wanted to report or say to the citizens. Lovett said if they have any concerns, he has an open door and they can stop by to talk with him; same for the Board.

Following-up on last week's Board direction, Marshall Rudolph presented a resolution for possible approval regarding travel and auto allowance. The resolution reflects the Board's concern about liability.

Regarding a recall election, Supervisor Bauer supported it; Chairman Hazard said it is up to the voters to take the lead. Hazard asked appropriate staff members to start thinking about interim policies and legal options to ensure competent management in the Assessor's Office. Rudolph said the Board can request a report by an elected official; they also have the authority to hire consultants or investigators to audit a given department. The Board has no authority to remove an elected official. This is particularly true in a general-law county such as Mono County. Courts have held that a charter county can provide in its charter for a board of supervisors to remove an elected official for cause. A judge can sometimes remove an elected official from office upon conviction for certain, serious crimes. The grand jury can also issue an accusation for willful misconduct or corruption in office (which refers to very serious, almost criminal misconduct). Such an accusation is then prosecuted by the District Attorney although it is a civil matter. The official is entitled to a jury trial. If "convicted," the consequence is removal from office.

ADJOURNED: 4:00 p.m.

Reconvene Evening Meeting at the Walker Community Center

6:15 P.M. Meeting Called to Order by Chairman Hazard

Pledge of Allegiance led by Supervisor Reid

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Mary Dayhoff (recently appointed to the tourism commission and member of the Northern County Chamber of Commerce), thanked the Board for hiring Sarah McCahill; the Board made a wonderful choice and Dayhoff is very pleased with Sarah's performance.

Tim Fesko, resident, said the community center needs to be upgraded.

BOARD OF SUPERVISORS

- 14)** Receive a Presentation Regarding Mosquito Abatement in Mono County as a Follow Up to the Adjourned Meeting Presentation in Benton on July 17, 2007 **(David Wilbrecht)**

ACTION: Receive a presentation from David Wilbrecht, CAO, regarding Mosquito Abatement in Mono County as a follow up to the adjourned meeting presentation in Benton on July 17, 2007. Direct staff as desired on next steps, if any.

David Wilbrecht introduced the topic and said at the Board's adjourned meeting in July, a consultant from SCI made a presentation about special districts; two mosquito abatement districts exist already.

Dr. Johnson, public health officer, said the risk of West Nile virus is low; there is a much higher risk for vector-borne diseases (hanta virus and plague). Citizens should consider doing a county-wide program for these diseases. Mono and Inyo Counties have had the highest number of cases of hanta virus in the State. Johnson will keep the community informed.

Wilbrecht said the county can contract with SCI (for about \$25,000) to determine if there is an interest in a mosquito abatement district. If the community wants to form a district, the cost will be borne by the community. Supervisor Reid said if the issue becomes serious, the environmental health office can apply for grants. Dr. Johnson said should a problem arise, the quickest way to address mosquitoes would be to subcontract with Mammoth Lakes or June Lake.

Regarding improvements to the Walker Community Center, Wilbrecht said staff has proposed expending \$100,000 to do a county-wide survey of facilities in order to assess the needed improvements. This should take place this fall. The county will then set priorities in the various communities, and can apply for grants.

PUBLIC WORKS

- 15) Proposed Changes to the Clearing and Grading Ordinance (**Evan Nikirk**)
ACTION: Receive a verbal presentation from staff regarding proposed changes to the Clearing and Grading Ordinance in Mono County; receive feedback and community input. Direct staff as desired on next steps, if any.

Evan Nikirk said this issue was addressed at the adjourned meeting in May. Since that meeting, the fire chiefs have taken on the responsibility of education; public works has issued wood-waiver coupons (via fire chiefs) to be redeemed at the landfill; and a variety of suggestions have been made regarding a weed abatement ordinance. The Board directed Public Works to revisit the grading ordinance in order to exempt defensible space areas. Public Works has developed best management practices, and the environmental consultant will conduct a CEQA analysis on the draft ordinance. People who follow the best management practices will be exempt from the permit requirement.

Regarding weed abatement, the Board decided to use the existing code compliance ordinances to mitigate the problem. If this doesn't work, Public Works will revisit the issue. For defensible space, the fire chiefs continually identify properties that may pose a potential danger; the County then works with owners. If the property owner does not comply, then code compliance steps in.

Tim Fesko, resident, said the 10,000 square-foot limit seems to be unreasonable; he suggested allowing people to create a defensible space according to the size of the property, including along the property boundary.

Nikirk said the proposed grading ordinance addresses the land around the structure. Property owners can potentially clear in excess of an acre; the defensible space around homes in Lake Tahoe proved to be adequate during the recent fire.

Supervisor Reid said if brush builds up along a fence line adjacent to a vacant lot, people should be able to clear those areas without a permit. Chairman Hazard said the nuisance ordinance should be able to address this issue; the fire chiefs will play a key role in identifying potential hazards.

Chief Administrative Officer

- 16) Presentation Regarding Proposed Improvements to the Softball Field in Walker (**John Peters**)
ACTION: Receive a presentation by John Peters regarding proposed improvements to the softball field in Walker on behalf of the Coleville High School Baseball Team. Direct staff on the next steps, if any.

John Peters and a member of Mountain Warfare Training Center gave a PowerPoint presentation (on file in the clerks' office). The community's goal is to renovate and improve the current ball field.

- Objectives: expand the current field to regulation size; upgrade the facility; address safety issues; create a multi-use recreation area; and supplement local business revenue through events at the facility.

- The community is working with other entities, and they would like the County to be a partner. There has been a lot of volunteer effort and some equipment has been purchased. The community is asking the County to provide fencing, irrigation, sod, fuel, equipment, and building materials.
- They propose moving the field to a piece of County-leased property, and accomplishing the project in three phases: (1) focus on the ball field (i.e., fencing, sod, irrigation, and new boundaries); (2) add the pitcher's mound, home plate, dugouts, and storage/snack bar/press box; (3) install scoreboard, seating, and landscaping.
- Contributions: County, \$140,000; Coleville High School Boosters, \$15,000 and labor; Marine Corps, labor and equipment to clear and grub, and make the upper area even with the existing field. It is important to use the Marine Corps' help while it is available.

Discussion

The Board generally expressed their support for the project, and acknowledged the community's efforts. Public Works will need to address the bid process for purchase of fencing. Kelly Garcia said the County will need to do a survey; she suggested they could get started soon on the design and grading portions of the project. Chairman Hazard said that although he may support the project, he has similar issues in his district that he needs to address. He said he would like to know how much support the school district will provide.

ADJOURNED: 8:15 p.m.

Mono County Board of Supervisors next regular session will be on **September 4, 2007**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.

SSSSS